

REMARKS

Claims in the Application. Claims 111, 113, 117-118, 120, 132-134, 141, 143, 146-149 and 155-159 have been cancelled from this application. Claims 161-180 have been added to this application. Claims 106, 114, 121-122, 130, 135-137, 142, 144-145 and 150 have been amended. Accordingly, Claims 106-110, 112, 114-116, 119, 121-131, 135-140, 142, 144-145, 150-154 and 160-180 are active in this application.

Indication of Allowable Subject Matter. In paragraph 10 of the Office Action, the Examiner has indicated that Claims 111-113, 118, 120, 132, 157, 158 and 160 are allowable. The limitation of Claim 111 has now been incorporated into Claim 106. The limitation of Claim 113 has now been combined with the limitations of previously presented Claim 106 and appears as newly presented Claim 180. The limitation of Claim 118 has been combined with the limitations of previously presented Claim 106 and appears as newly presented Claim 161. The limitation of Claim 120 has been combined with the limitations of previously presented Claim 106 and now appears as newly presented Claim 169. The limitation of Claim 132 has now been incorporated into previously presented Claim 130.

Examiner's Rejection Under 35 U.S.C. § 102(e) Over *Gunner, Garg and Sweet*. The Examiner has made the following rejections:

- (i.) rejection of Claims 106-110, 116, 117, 119, 122, 123-131, 133-136, 141-145, 149-154 and 159 under 35 U.S.C. § 102(e) as being anticipated over U.S. Patent Publication No. 2006/0127363 ("*Gunner*");
- (ii.) rejection of Claims 106-110, 114-117, 119, 123-125, 127, 128, 130, 131, 133-136, 141-145, 149, 150, 152, 154-156 and 159 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,929,199 ("*Garg*");
- (iii.) rejection of Claims 106-110, 114-116, 119, 123-125, 127, 130-131, 133-136, 141-142, 144-145, 149-152 and 154 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,188,175 ("*Sweet*"); and
- (iv.) rejection of Claims 106-110, 114-116, 119, 130, 131, 133-135, 141, 142, 144, 145 and 149 under 35 U.S.C. § 102(b) "based upon a public use or sale of the invention".

Discussion of these rejections is deemed to be moot in light of the amendments to the claims.


Examiner's Rejection Over *Gibb*. The Examiner has rejected 134-152 and 154 under 35 U.S.C. § 102 (b) as being anticipated by and Claims 141, 150 and 153 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,923,714 ("*Gibb*"). It is believed that a discussion of the rejection of Claims 134-136 under 35 U.S.C. § 102(b) and Claims 141, 150 and 153 under 35 U.S.C. § 103(a) is moot in light of the amendment to the claims.

The rejection of Claims 137-140 under 35 § 102(b) is further believed to be moot in light of the amendment to Claim 137. As now amended, these claims recite a porous particulate material having inherent or induced permeability. Such permeability is defined on p. 10, ll. 17-19 of the originally filed specification as particulates having interconnected pore spaces such that fluids are capable of at least partially moving through the porous matrix. Thus, such porous particulates exhibit open-celled porosity. In contrast to the open-celled porosity exhibited by the porous particulates claimed by Applicants, the porous particulates of *Gibb* are of *closed-cell* porosity. Closed-cell porosity is not interconnected porosity. The ceramic particulates of *Gibb* are those disclosed in U.S. Patent Nos. 4,680,230 and 4,632,876. Such ceramics are therein defined as exhibiting closed cell microporosity. Closed-cell porous materials have internal voids with closed walls which are not permeable to gas and liquids. This is in sharp contrast to interconnected porosity wherein there exists internal voids in the porous materials. *See*, for instance, the discussion in U.S. Patent No. 6,444,162, copy attached.

Conclusions. The Examiner is respectfully requested to telephone the undersigned should he deem it useful to expedite the prosecution of this application and issuance of a Notice of Allowance.

Respectfully submitted,

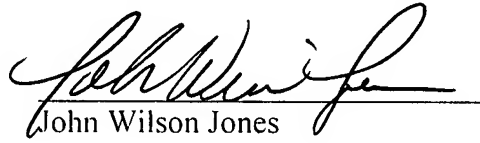
Dated: June 7, 2007



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CERTIFICATE OF TRANSMISSION, 37 C.F.R. § 1.6(d)

I hereby certify that this correspondence is being transmitted by facsimile, 571 273-8300 to the Commissioner of Patents and Trademarks on this the 7th day of June 2007.


John Wilson Jones